Attachment G

ENVIRONMENTAL PROTECTIVE MEASURES

ENVIRONMENTAL RESTRICTIONS AND LAND USE CONTROLS FOR THE LEASE TO ALLOW USE OF NAVY-OWNED LAND AT NAVAL STATION NEWPORT, RENEWABLE ENERGY PROGRAM OFFICE 133.67-ACRE PROJECT SITE FOR THE DEVELOPMENT OF A RENEWABLE ENERGY GENERATION SYSTEM.

The following provides potential land use controls (i.e., notifications, covenants, and restrictions) described in the Environmental Condition of Property (ECP) report and from the Environmental Assessments (EAs), for inclusion in the Real Estate Agreement to ensure the protection of human health and the environment, along with meeting all federal, state and local regulatory requirements and Navy policy. Lessee is responsible for reading both the ECP Checklist report and EA in their entirety, and for following any mitigation actions required in those documents.

The Lessee and all subcontractors shall adhere to the following during construction, maintenance, and decommissioning of the proposed solar PV array at Naval Station (NS) Newport:

- Adhere to Best Management Practices (BMPs) and Protective Measures as described in NS Newport project package submitted to U.S. Fish and Wildlife Service (USFWS) by email on July 10, 2015 which received subsequent concurrence from USFWS by email on August 12, 2015;
    - Navy preference is to allow the site (post-disturbance) to re-seed naturally, but it is acceptable if Lessee would prefer to seed. Site should be re-vegetated with native species in compliance with the NS Newport Natural Resources Management Plan and/or NS Newport natural resources manager recommendations.
    - The project preference is to avoid and minimize impacts (to the maximum extent practicable) impacts to the northern long-eared bat (NLEB) and migratory birds.
    - Installation/Navy staff and or contractors will require access to the site to conduct periodic natural resources surveys.

- Pesticides are prohibited from use at the sites due to CERCLA measures in place
- Comply with all CERCLA requirements specified in the Environmental Condition of Property
- Implement recommendations and terms in the consultation package submitted by the Navy to the Rhode Island State Historic Preservation Office (SHPO) on 25 February, 2015 and subsequent concurrence letter from the SHPO received 14 April, 2015 as appropriate;
- Coordinate with the Navy to develop a natural and cultural resources conservation plan to include specific details regarding pre-construction surveys (if applicable), and protective measures for natural and cultural resources, to include avoidance of known archaeological sites.
- During any soil disturbing activities, if historic or prehistoric artifacts, human remains, buried features, or structural foundations are discovered, stop the action and contact the installation Cultural Resources Manager immediately;
- There will be no open burning allowed on the site;
- Adhere to all applicable stormwater management requirements for construction and land clearing activities (see below);
- Depending on the type of PV panels approved, the use of an aluminum frame around the perimeter of solar panels to segment the reflective service of the panel's faces may be required;
    - Panels may have a metallic frame around the perimeter of the frame and an anti-reflective coating may be applied to the glass depending on the type of PV panels approved
- Adhere to all time of year restrictions for site clearing activities (i.e., tree removal) to minimize potential impacts to the NLEB and migratory birds (see below);
- Supporting equipment -may be painted in a dark color or matte finish where appropriate;

- Site lighting will utilize timers and motion sensors, where possible, be of minimal power/lumens, and be directed down to the maximum extent practicable; lighting shall also comply with installation security requirements (see more lighting requirements below for the NLEB);
- Use of herbicides is prohibited.
- Provide an erosion and sediment control plan to NS Newport's EV Office for approval prior to the start of land disturbing activities. Provide monthly reports for pounds of C&D and/or municipal solid waste disposed by category, disposal cost, and the name/address of the receiving permitted facility. Include the pounds, cost/revenue and type of non-hazardous debris recycled. Fax reports to PWD Newport Environmental Business Line.
- Contractors generating hazardous waste during construction shall comply with the 2013 Hazardous Materials Reutilization, Hazardous Waste Minimization and Disposal Guide. Plan;
- Contractors shall provide a list of all materials they bring onboard to NS Newport and the material must be on NS Newport's Authorized Use List (AUL) before being allowed on-site. This ensures prompt reporting of data to the U.S. Environmental Protection Agency and RIDEM for Air Quality and Emergency Preparedness and Community Right-to-know Act (EPRCA) Compliance.
- Return the site to pre-construction condition (i.e. eliminate invasive plants) should the solar PV array be decommissioned.

Site will be returned to the original condition, with the exception of re-vegetation of native trees, as no trees shall be required to be planted by Lessee at the conclusion of this lease.

Best Management Practices and Protective Measures

BQ Energy and their subcontractors shall employ BMPs and protective measures listed in this chapter to avoid and minimize impacts to the northern long-eared bat and migratory birds. These measures are specific to this proposed action and may not be feasible for other Navy projects, particularly for those associated with military readiness activities.

General Construction Best Management Practices

- All work will adhere to performance requirements of the Clean Water Act, Section 404 permit and Section 401 Water Quality Certification.
- The construction contractor is responsible for preparation of an environmental protection plan. The plan will be submitted to NS Newport and approved by the Navy prior to the commencement of any construction activities. The plan will identify construction elements and recognize spill sources at the site. The plan will outline BMPs, responsive actions in the event of a spill or release, and notification and reporting procedures. The plan will also outline contractor management elements, such as personnel responsibilities, action area security, site inspections, and training.
- Erosion control screens or other erosion control methods will be employed to prevent erosion of material out of the project work area or into surface waters during construction, as required by applicable regulatory permits issued for the project.
- No petroleum products, lime, chemicals, or other toxic or harmful materials will be allowed to enter surface waters.
- Wash water resulting from wash-down of construction equipment or work areas will be contained for proper disposal.
- No oil, fuels, or chemicals will be discharged to surface waters or onto land where there is a potential for re-entry into surface waters. Fuel hoses, oil drums, oil or fuel transfer valves, fittings, etc., will be checked regularly for leaks and will be maintained and stored properly to prevent spills.
- No cleaning solvents or chemicals used to clean tools or equipment will be discharged to groundwater or surface waters.
- Construction materials will not be stored where upland runoff could cause materials to enter surface waters.
- To avoid attracting predators during construction, the project site will be kept free of debris by the solar PV system developer, as much as feasible. All trash and food items generated during construction and maintenance activities will be promptly contained and regularly removed.
- Exposed soil in disturbed areas will be watered with adequate frequency to control airborne dust.
- All vehicle traffic will be restricted to construction areas and currently established dirt or paved roads. No off-road vehicle use will be permitted outside the action area.
- Pits and trenches will be covered when not in use.
    - Barricade tape will be used as a soft boundary for safety concerns.
    - No new streams, creeks, etc. will be created, because none of the trenches are permanent. Most will open for less than a week (pending site conditions, ground water, weather, etc.)

- Trenches are "closed systems," meaning that they will not have inlets and outlets, so sediment can't leave them.
- SWPPP design and BMPs include trenching activities
- There could be some diversion ditches or other ponds included in the SWPPP design. These are not "trenches," and will be meet all NPDES requirements.

- All work area boundaries associated with temporary and permanent disturbances will be conspicuously staked, flagged, or marked to minimize surface disturbance activities. All workers will strictly limit their activities and vehicle use to the designated work areas.
- Pets will not be allowed in working areas unless restrained in a kennel.
- Vehicle speed within the action area and along existing access roads will not exceed 20 miles per hour. Speed limits will be clearly marked, and all workers will be made aware of these limits.

Northern Long-eared Bat and Migratory Bird Protective Measures

- Impacts to wetlands and the associated wetland transition areas (i.e., 50 foot buffer around wetlands) shall be avoided.
- Use of artificial lighting shall be minimized to the maximum extent practicable. Lighting will be shielded, downward facing, and directed away from forested habitat. Timers and motion sensors will be used on lighting, where possible.
- All clearing of trees and vegetation on site shall take place during the period of October 1 through April 14.
- The use of chemical rodenticides is prohibited Waste fluids shall be stored in closed tanks.
- Construction activities shall not start until one hour after sunrise and shall cease one hour prior to sunset to avoid harassment of foraging bats.
- Colorants shall not be used in or around stormwater basins.
- Consistent with the Clean Water Act, contaminants including but not limited to oils and solvents shall be strictly controlled so the quality, quantity, and timing of bat prey resources are not affected.
- Consistent with the Clean Water Act, sediment and erosion control measures shall be implemented during construction to avoid impacts to surface waters and wetlands. Filling, channelizing, or degrading streams, wetlands, and other watering areas is prohibited.
- Disturbed sites shall be re-vegetated with native species in compliance with the installation's Integrated Natural Resources Management Plan and/or installation natural resources staff recommendations.

Stormwater Management

- Obtain a Construction Individual Storm Water Permit, Water Quality Certificate in accordance with the Rhode Island Department of Environmental Management's Water Quality and Pollution Discharge Elimination System Regulations.
- Prepare a site-specific Stormwater Pollution Prevention Plan (SWPPP) and ensure compliance with its provisions during and after construction.
- Design and implement Low Impact Development in accordance with the Rhode Island Stormwater Design and Installation Standards Manual and the *Rhode Island Erosion and Sediment Control Handbook*.
- Prepare an Erosion and Sediment Control Plan and submit to RIDEM for approval prior to the start of land disturbing activities of 10,000 square feet or greater.
- Prepare a Stormwater Management Plan to comply with Rhode Island State regulations and submit to Rhode Island Department of Environmental Management (RIDEM) for approval prior to start of land disturbing activities of 1 acre or greater.
- Obtain a General Permit for Discharges of Stormwater from Construction Activities from RIDEM prior to the start of land disturbing activities of 1 acre or greater.
- At completion of construction, the site shall be re-vegetated with an herbaceous groundcover to minimize soil erosion, and temporary construction laydown areas would be restored to pre-construction conditions to minimize any potential water quality impacts.
- Impacts to wetlands and the associated wetland transition areas (i.e., 50 foot buffer around wetlands) shall be avoided to minimize water quality impacts
- Manage discharges of petroleum and other hazardous substances in accordance with NS Newport's Spill Prevention Control and Countermeasures (SPCC) and Facility Response Plans As well as NS Newport Instructions.

McAllister Point Landfill is a Navy Installation Restoration (IR) site. Restrictions are described in the following references:
(1) Any structures with their associated foundations, piping, wiring, utilities, etc. shall be constructed above the landfill cap with no intrusions into the existing cap;
(2) A Health and Safety Plan (HASP) is required and workers disturbing soil must possess the 40 hour uncontrolled hazardous waste site training under 29 CFR 1910.120 Hazardous Waste Operations and Emergency Response (HAZWOPER);
(3) due to the design/construction of the existing landfill cap, large and/or heavy vehicles, as well as any structures that place a large load onto the cap, will not be allowed on site;
(4) as part of the landfill cap remedial design, there are existing gas vents and monitoring wells with risers, settlement platforms, and ground shot locations that cannot be disturbed or covered;
(5) vehicle access to remedial components, like those in item 4 above, must be maintained at all times for O & M requirements;
(6) use of pesticides at this site is also prohibited;
(7) Site 1 Land Use Control (LUC) Remedial Design (RD) for McAllister Point Landfill Operable Unit 1 of February 2012, as amended;
(8) Soil Management plan for Naval Station Newport, Newport RI dated June 3, 2010 as amended;
(9) local instruction NAVSTANPTINST 5090.15C entitled, "Land Use Restrictions for Installation Restoration (IR) Sites and Other Contaminated Properties, as amended;
(10) the Federal Facilities Agreement of 1992;
(11) Rhode Island Coastal Resource Management Council (RICRMC) restrictions specified in their letter of March 24, 2015, including the submission of the design and plans as part of either a federal Consistency Determination for their concurrence or application for an assent;
(12) design plans & specifications and work plans must be submitted to the Rhode Island Department of Environmental Management (RIDEM) and U.S. Environmental Protection Agency (USEPA) for their review and approval prior to installation/construction to demonstrate compliance with the restrictions specified in their letters of July 9, 2015 (RIDEM), July 6, 2015 (USEPA), and
October 29, 2015 (USEPA).
NOTE: ITEMS 1 and 4 REFERENCED ABOVE CAN BE FOUND IN THE NAVSTA NEWPORT ADMINISTRATIVE RECORD (https://
www.navfac.navy.mil/products_and_services/ev/products_and_services/env_restoration/installation_map/navfac_atlantic/midlant/newport.html).

Tank Farm 4 (Site 12) is a Navy Installation Restoration (IR) site. Restrictions and conditions are described in the following documents and references:
(1) Land Use Control Remedial Design Decision Unit 4-1 at Tank Farm 4 (Site 12) Operable Unit 11, Naval Station Newport, Portsmouth, Rhode Island, dated April 16, 2014;
(2) use of lands that comprise Decision Unit 4-1 is prohibited;
(3) use of the area within 50 feet of the perimeter fence is prohibited;
(4) soils must be managed in accordance with the Soil Management plan for Naval Station Newport, Newport RI dated June 3, 2010 as amended;
(5) a Health and Safety Plan (HASP) is required and workers disturbing soil must possess the 40 hour uncontrolled hazardous waste site training under 29 CFR 1910.120 Hazardous Waste Operations and Emergency Response (HAZWOPER);
(6) all work and site activities must conform with local instruction NAVSTANPTINST 5090.15C entitled, “Land Use Restrictions For Installation Restoration (IR) Sites And Other Contaminated Properties, as amended;
(7) Federal Facilities Agreement of 1992 applies to Tank Farm 4;
(8) Rhode Island Coastal Resource Management Council (RICRMC) restrictions specified in their letter of March 24, 2014, including the submission of the design and plans as part of either a federal Consistency Determination for their concurrence or application for an assent;
(9) Design plans & specifications and work plans must be submitted to the Rhode Island Department of Environmental Management (RIDEM) and U.S. Environmental Protection Agency (USEPA) for their review and approval prior to installation/construction to demonstrate compliance with the restrictions specified in their letters of July 9, 2015 (RIDEM), July 6, 2015 (USEPA), and
October 29, 2015 (USEPA);
(10) use of Pesticides at the site are prohibited
(11) no site work shall begin until a Preliminary Determination Application is approved by the Rhode Island Department of Environmental Management's, Fresh Water Wetlands Section (this includes the wetlands on top of the former tanks 45 & 46);
(12) direct buried abandoned piping containing TSI friable asbestos may be encountered; (11) U.S. Fish and Wildlife Service Letter of August 12, 2015, prohibits tree clearing October 1 through April 14 and limitations on the acres that can be removed are shown in "Figure A NS Newport Aerial TF4 V2. pdf"; (13) a hazardous material survey, which includes lead base paint and asbestos, must be performed before any building, structure, trench or ruin is disturbed;
(14) buildings must be tested for radon and, if necessary mitigated;

(15) the area within a 100 foot radius from the center of former underground storage tanks 38, 42, 45 and 48 is prohibited from use until such time that either RIDEM approved Corrective Action Plans are implemented or RIDEM issues Closure Certificates indicating no further action;
(16) the existing markers showing the center of the former underground storage tanks must be protected and maintained;
(17) Solar PV footprint may be restricted further if the results of the Navy's PFC investigation indicate these compounds are present in the project's footprint (EPAs concurrence is conditioned on the results being non detect);
(18) the area within a 100 foot radius from the center of former underground storage tank 41 or other area sufficient to provide access to perform any further investigations and cleanup (EPA letter of 29 October 2015) is excluded from the Solar PV project until such time that it is determined a CERCLA action is not required; and
(19) monitoring wells must be protected and vehicle access maintained at all times.

Tank Farm 5 (Site 13) is a Navy Installation Restoration (IR) site. Restrictions are described in the following documents and references:
(1) Land Use Control Remedial Design Decision Unit 5-1 at Tank Farm 5 (Site 13) Operable Unit 2, Naval Station Newport, Middletown, Rhode Island, dated July 23, 2014;
(2) use of lands that comprise Decision Unit 5-1 is prohibited;
(3) use of the area within 50 feet of the perimeter fence is prohibited;
(4) soils must be managed in accordance with the Soil Management Plan for Naval Station Newport, Newport RI dated June 3, 2010 as amended;
(5) a Health and Safety Plan (HASP) is required and workers disturbing soil must possess the 40 hour uncontrolled hazardous waste site training under 29 CFR 1910.120 Hazardous Waste Operations and Emergency Response (HAZWOPER);
(6) all work and site activities must conform with local instruction NAVSTANPTINST 5090.15C entitled, "Land Use Restrictions For Installation Restoration (IR) Sites And Other Contaminated Properties, as amended; (5) Federal Facilities Agreement of 1992 applies to Tank Farm 4;
(7) Rhode Island Coastal Resource Management Council (RICRMC) restrictions specified in their letter of March 24, 2014, including the submission of the design and plans as part of either a federal Consistency Determination for their concurrence or application for an assent;
(8) Design plans & specifications and work plans must be submitted to the Rhode Department of Environmental Management (RIDEM) and U.S. Environmental Protection Agency (USEPA) for their review and approval prior to installation/construction to demonstrate compliance with the restrictions specified in their letters of July 9, 2015 (RIDEM), July 6, 2015 (USEPA), and October 29, 2015 (USEPA);
(9) use of Pesticides at the site are prohibited
(10) no site work shall begin until a Preliminary Determination Application is approved by the Rhode Island Department of Environmental Management's, Fresh Water Wetlands Section;
(11) direct buried abandoned piping containing TSI friable asbestos may be encountered;
(12) U.S. Fish and Wildlife Service Letter of August 12, 2015, prohibits tree clearing October 1 through April 14 and limitations on the acres that can be removed are shown in "Figure A NS Newport Aerial TF5 V2. pdf";
(13) a hazardous material survey, which includes lead base paint and asbestos, must be performed before any building, structure, trench or ruin is disturbed;
(14) the area within a 100 foot radius from the center of former underground storage tanks 50, 51, 54 and 57 is prohibited from use until such time that either RIDEM approved Corrective Action Plans are implemented or RIDEM issues Closure Certificates indicating no further action;
(15) the existing markers showing the center of the former underground storage tanks must be protected and maintained;
(16) Solar PV footprint may be restricted further if the results of the Navy's PFC investigation indicate these compounds are present in the project's footprint (EPAs concurrence is conditioned on the results being non detect);
(17) the area within a 100 foot radius from the center of former underground storage tank 50 or other area sufficient to provide access to perform any further investigations and cleanup (EPA letter of 29 October 2015) is excluded from the Solar PV project until such time that it is determined a CERCLA action is not required;
(18) use or disturbance of archaeological site RI 2519 is prohibited;
(19)) use of the area on both sides and within 50 feet of the loop and shunt piping is prohibited from use until such time the RIDEM issues a no further action on the Piping Closure Assessment; and
(20) monitoring wells must be protected and vehicle access to monitoring wells maintained at all times.